IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.66299-M of 2006
Date of Decision:- 30.04.2007

Jaswinder Pal Singh ....Petitioner(s)

through
Mr.Sunil Chadha, Advocate

vs.

State of Punjab & anr. ....Respondent(s)

through
Mr.K.S.Pannu, AAG, Punjab.
Mr.Sachin Kapoor, Advocate for
Mr.Suvir Sheokand, Advocate.

***

CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

***

1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

***

SURYA KANT, J.

The prayer in this petition is for quashing of F.I.R.No.36 dated 23.11.2005 under Sections 7 and 13(2) of the Prevention of Corruption Act, 1988 registered at Police Station, Vigilance Bureau, Mohali.

The quashing of the F.I.R. has been sought primarily on the ground that an enquiry was conducted by an officer of the rank of DIG of the Vigilance Bureau and the petitioner was found innocent. In addition, the complainant is stated to have given an affidavit (Annexure P-2) to the effect that he got the petitioner implicated in a false case.

There is no denial to the fact that challan has already been presented and the learned trial Court is yet to consider the question of framing of charges.

Normally, the Court is required to frame charges, *prima facie,* on a consideration of the material appended with the report under Section 173 Cr.P.C. However, since the petitioner is relying upon some enquiry report as well as the affidavit of the complainant, this petition is disposed of with a direction to the prosecution to produce the enquiry report, if any, of the DIG of the Vigilance Bureau as also the final decision taken by the Chief Director, Vigilance Bureau, Punjab in relation thereto before the Court concerned. Let all these documents including the affidavit of the complainant be taken into consideration by the learned trial Court while forming its opinion regarding framing of the charges.

April 30, 2007 **(SURYA KANT)**
poonam **JUDGE**